

Ellen Dowd, Esq.
State Bar Number 141206
2658 Del Mar Heights Road #228
Del Mar, California 92014
(858) 342-8360
Fax (858) 755-6348
ellendowd@sbcglobal.net

Attorney for Plaintiff, C.S

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

C.S., by and through his Conservator,	)	CASE NO.: 08 CV 0226 W (AJB)
MARY STRUBLE, on behalf of himself	)	PLAINTIFF'S NOTICE OF MOTION
and all others similarly situated,	)	AND MOTION FOR
	)	RECONSIDERATION OF ORDER
	)	DENYING PLAINTIFF'S
Plaintiff,	)	APPLICATION FOR TEMPORARY
	)	RESTRAINING ORDER (Doc. 4)
v.)	
	)	[FRCP 59(e); CivLR 7.1(i)(1)]
CALIFORNIA DEPARTMENT OF)	
EDUCATION, a State Agency, et al.	)	Date: To Be Set
Defendant.	)	Time: To Be Set
	)	Judge: Hon. Thomas J. Whelan

1 TO DEFENDANTS, CALIFORNIA DEPARTMENT OF EDUCATION ("CDE"),
2 AND OFFICE OF ADMINISTRATIVE HEARINGS ("OAH"), AND THEIR
3 ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that Plaintiff, C.S. moves this Court for
5 Reconsideration of its Order Denying Plaintiff's Application For Temporary
6 Restraining Order issued on April 30, 2008.

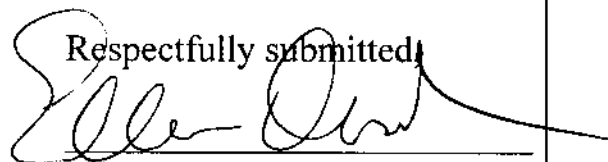
7 This Motion For Reconsideration is brought pursuant to FRCP Rule 59 (e)
8 and Local Rule CivLR 7.1(i)(1) on the basis that new facts exist which did not
9 exist at the time of the prior Application For Temporary Restraining Order¹ and
10 certain factors and arguments considered in denying the Temporary Restraining
11 Order, are changed by the new facts.

12 This Motion For Reconsideration is based upon this Notice of Motion and
13 Motion, the accompanying Memorandum of Points and Authorities, the
14 accompanying Request for Judicial Notice, the accompanying Declaration of Ellen
15 Dowd, Esq. and all of the pleadings and papers in the Court's file, along with any
16 documentary or oral evidence or argument as may be made at the time of hearing.

17 An *Ex Parte* Motion to Shorten Time (i.e., for an Order for an expedited
18 Briefing Schedule), or, alternatively, for the Court to rule *sua sponte* on this
19 Motion is concurrently filed herewith.

20 Dated: May 9, 2008

Respectfully submitted,



Ellen Dowd, Attorney for
Plaintiff, C.S.

21
22
23
24
25
26
27
28 ¹ Based upon the Order Setting Briefing Schedule the Application For Temporary Restraining Order was heard an
Application For Preliminary Injunction. For purposes of this Motion For Reconsideration, these terms are
synonymous.